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And Melissa E. Cohen, Esq.



Order Filed on September 21, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

EVARISTO BURDIEZ,

Debtor.

Case No. 20-23664 (VFP)

Honorable Vincent F. Papalia, U.S.B.J.

Chapter 13

Hearing Date and Time:

April 15, 2021 at 11:00 a.m.

**ORDER REGARDING GLOBAL SETTLEMENT OF CLAIMS FOR  
VIOLATION OF THE AUTOMATIC STAY**

The relief set forth on the following page, numbered two (2) through four (4), is hereby  
**ORDERED.**

**DATED: September 21, 2021**



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Honorable Vincent F. Papalia  
United States Bankruptcy Judge

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Debtor: EVARISTO BURDIEZ

Case No.: 20-23664 (VFP)

Caption of Order: **ORDER REGARDING GLOBAL SETTLEMENT OF CLAIMS FOR VIOLATION OF THE AUTOMATIC STAY**

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This matter having initially been brought before the Court by Roger Chavez, attorney for Debtor, Evaristo Burdiez (“Debtor” or “Burdiez”), upon the filing of a Motion seeking an Order holding that the automatic stay was violated and imposing sanctions in connection with the eviction and lockout of the Debtor and his family from the property located at 365 River Road, Bogota, New Jersey (the “Property” and the “Removal”) and the failure to stay the post-petition prosecution of a motion seeking certain relief against Debtor before the Superior Court of New Jersey (the “Motion”) [Doc. No. 35]; and the Court having entered an Order holding that the automatic stay was violated in connection with the Removal and the Motion and imposing sanctions (the “Stay Violation Order”) [Doc. No. 81]; and the Stay Violation Order having awarded attorneys’ fees in favor of Debtor in the amount of \$10,798.50 (the “Attorney Fee Award”), denied Debtor’s request for punitive damages without prejudice, and reserved Debtor’s right to seek compensatory damages for alleged lost wages, COVID-19 related damages, damages to the Property, and emotional distress sustained by members of Debtor’s family in connection with the Removal (the alleged punitive and compensatory damages are referred to, hereafter, collectively, as the “Outstanding Claims”); and the Attorney Fee Award having been paid in full; and the parties having amicably resolved the Outstanding Claims; and for other good cause having been shown:

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It is ORDERED as follows:

1. Melissa E. Cohen, Esq., shall pay the total amount of twenty thousand dollars (\$20,000.00) to the Debtor's Chapter 13 bankruptcy estate within five (5) days after the entry of this Order by remitting a check made payable to "Marie Ann Greenberg, Chapter 13 Standing Trustee."

2. Weinberg & Cooper, LLC shall withdraw its proof of claim, Claim No. 4 (in the amount of \$11,399.27) in its entirety. Weinberg & Cooper, LLC shall also file a warrant of satisfaction/cancellation or discharge of judgment of record with respect to the judgment liens it filed against the Debtor, comprising the claims herein, in the Superior Court of New Jersey, to wit: Judgment No. J-114312-14 and Judgment No. J-091503-20. Weinberg & Cooper, LLC shall file the warrants of satisfaction/cancellations of discharges of judgment of record within fifteen (15) days from the date of this Order and shall promptly deliver proof of such filing to Debtor's counsel.

3. In exchange for and contingent upon the payment, claim withdrawal and filing warrants of satisfaction/cancellations or discharges of judgments of record set forth in paragraphs 1 and 2, above, any and all claims by Debtor individually or derivatively on behalf of any family member of Burdiez arising out of the Removal and the Motion, including but not limited to the Outstanding Claims, are hereby deemed to be satisfied in full, with prejudice.

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4. The Court shall retain exclusive jurisdiction with respect to any and all issues relating to the enforcement of this Order.